

REMARKS

The Examiner objected to claim 38 noting an incorrect dependency. In response, Applicant has amended claim 38 to correct the minor error noted by the Examiner and respectfully requests the Examiner withdraw the objection.

The Examiner rejected claim 34 under 35 U.S.C. §103(a) as being unpatentable over Sroka in view of Seward. In response, Applicant has amended claim 34 to include the subject matter of claim 36, which is now cancelled. As amended, claim 34 now recites that the impedance mismatch indication signals include “a first bit indicative of whether a reflection coefficient magnitude developed from the measured forward and reflected power is less than or greater than a predetermined value.” Neither reference teaches or suggests, alone or in combination, this element.

The Examiner admits that Sroka fails to teach this element, and Seward does nothing to remedy this deficiency. Indeed, Seward simply discloses comparing the voltage standing wave ratio (VSWR) value to a predetermined threshold value and adjusting the antenna matching network based on the comparison. Seward may set a flag; however, the flag is not included in a mismatch indication signal. Rather, the flag is stored in RAM of a microprocessor for later use. Seward, col. 10, ll. 34-66. The patent to Seward does not teach or suggest including a bit in the mismatch indication signal indicative of whether a reflection coefficient magnitude is less than or greater than a predetermined value, and the Examiner never asserts that it does. Because neither reference teaches or suggests this element, any §103 rejection over Sroka in view of Seward, alone or in combination, necessarily fails.

The Examiner, however, asserts without any proof that including the bit as recited in amended claim 34 would have been obvious.¹ Such a naked assertion is *legally insufficient* with

¹ Applicant notes that the Examiner takes Official Notice on page 10 of the Office Action. However, the Official Notice does not appear to cover the subject matter now included in amended claim 34 (i.e., claim 36). Regardless, Applicant respectfully requests that the Examiner provide proof of the assertion for all claims covered by the Official Notice.

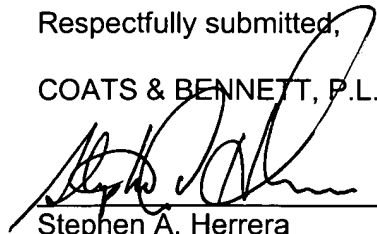
which to support a §103 rejection, and is unsupported by the references. Sroka teaches comparing values in a lookup table. Seward, as stated above, simply compares values against predetermined threshold values. Neither reference teaches or suggests including a bit in the mismatch signal to indicate whether a reflection coefficient magnitude is less than or greater than a predetermined value. As such, neither reference could possibly provide any motivation for a combination. The motivation to combine could only have come from Applicant's own disclosure. Therefore, none of the references teach or suggest, alone or in combination, amended claim 34. As such, the §103 rejection of claim 34 fails as a matter of law.

The Examiner also rejected claims 41, 52, and 63 under 35 U.S.C. §103(a) over the same references and similar reasons to those cited above. However, these claims have been amended to recite language similar to that of amended claim 34. Claims 54-56 have been cancelled to avoid duplication, and claims 57-58 have been amended to ensure correct dependencies. For the reasons stated above, none of the references teach or suggest, alone or in combination, any of claims 41, 52, and 63.

In light of the amendments and remarks, Applicant respectfully requests the allowance of all pending claims.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



Stephen A. Herrera
Registration No.: 47,642

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P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844